



General Assembly

Distr.: General
6 October 2009

Original: English

Sixty-fourth session

Agenda item 143

**Financing of the International Criminal Tribunal for the
Prosecution of Persons Responsible for Genocide and Other
Serious Violations of International Humanitarian Law
Committed in the Territory of Rwanda and Rwandan
Citizens Responsible for Genocide and Other Such Violations
Committed in the Territory of Neighbouring States between
1 January and 31 December 1994**

**Budget for the International Criminal Tribunal for the
Prosecution of Persons Responsible for Genocide and Other
Serious Violations of International Humanitarian Law
Committed in the Territory of Rwanda and Rwandan
Citizens Responsible for Genocide and Other Such
Violations Committed in the Territory of Neighbouring
States between 1 January and 31 December 1994, for the
biennium 2010-2011**

Report of the Secretary-General

Summary

The present report contains the resource requirements for the biennium 2010-2011 of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994.

The resources for the biennium 2010-2011 before recosting amount to \$244,085,700 gross (\$226,618,500 net), and reflect a decrease in real terms of \$61,292,900 gross or 20.1 per cent (\$55,978,600 net or 19.8 per cent), compared to the revised appropriation for the biennium 2008-2009.

I. Overview

1. The International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994 was established by the Security Council in its resolution 955 (1994). According to articles 2, 3 and 4 of its statute, the Tribunal has been empowered to prosecute persons responsible for genocide and other serious violations of international humanitarian law committed in the territory of Rwanda and of neighbouring States between 1 January and 31 December 1994. In accordance with article 10 of its statute, the Tribunal consists of three organs, namely, the Chambers, the Office of the Prosecutor and the Registry.

2. In its resolution 1329 (2000), the Security Council expressed its continuing conviction that, in the particular circumstances of Rwanda, the prosecution of persons responsible for genocide and other serious violations of international humanitarian law contributed to the process of national reconciliation, and to the restoration and maintenance of peace in Rwanda and in the region.

3. The Security Council, in its resolution 1503 (2003), called upon the Tribunal to take all possible measures to complete investigations by the end of 2004, to complete all trial activities at first instance by the end of 2008 and to complete all work in 2010 (the completion strategy). In its resolution 1534 (2004), the Council again emphasized the importance of implementing fully the completion strategy of the Tribunal.

4. Consequently, the Tribunal developed its completion strategy, which comprises two main pillars: (a) the fair and expeditious completion of trials at the Tribunal, in accordance with the deadlines set in Security Council resolutions 1503 (2003) and 1534 (2004), of those who bear the greatest responsibility for the crimes committed in 1994; and (b) the transfer of selected cases for trial to competent national jurisdictions. On 14 May 2009, the latest version of the completion strategy was submitted for the consideration of the Security Council (S/2009/247, enclosure) under which it is anticipated that the judgement drafting of the trials of 25 accused that are now in progress and the trials, yet to be commenced, of at least 6 others, can be substantially concluded by the end of 2010.

5. The Tribunal was not able to complete all trials in the first instance by the end of 2008. Some of the contributing factors included the "late" arrest of some of the fugitives prioritized for trial at the Tribunal, the rejection of applications in terms of rule 11 bis of the Rules of Procedure and Evidence for the referral to Rwanda for trial of four cases of detainees and one case of a fugitive, unavailability of judges and delays in some of the ongoing trials, resulting in their spillover.

6. The delayed start of several new cases in the first months of 2009 puts particular strain on judges, and on legal and support staff in the middle of 2009. The reasons for the delay included the death of one lead counsel and the resignation of another shortly before the commencement of a trial, the recusal of a presiding judge at the beginning of a trial, disclosure problems causing fair trial concerns, requests by the defence to allow for longer pretrial preparation, and legal controversy about the scope of retrial.

7. Since June 2007, the Prosecutor had requested the transfer to Rwanda of five cases concerning one fugitive and four accused detained at the Tribunal. Following the denial of those requests in the cases of Munyakazi (28 May 2008), Kanyarukiga (6 June 2008) and Hategekimana (19 June 2008), based on fair trial concerns, two Trial Chambers denied the remaining two requests in the reporting period in the cases of Gatete (17 November 2008) and Kayishema (16 December 2008). The Appeals Chamber confirmed the denial in the case of Hategekimana on 4 December 2008, as before in the cases of Munyakazi (8 October 2008) and Kanyarukiga (30 October 2008). It was therefore necessary for the Tribunal to schedule trials for all of the four detained accused.

8. The referral of cases from the Tribunal to national jurisdictions for trial remains a key pillar of the completion strategy. The Office of the Prosecutor is considering additional measures to ensure timely completion and to further reduce the possibilities for the emergence of an impunity gap.

9. In this regard, the Office of the Prosecutor continues to finalize preparation of the cases of fugitives, with a view to applying for their referral to national jurisdictions. As mentioned earlier, the five requests for referral of cases to Rwanda have been denied by the Trial Chambers on grounds of lack of guarantees of fair trial. All three Trial Chamber decisions that were appealed have been confirmed by the Appeals Chamber. The Government of Rwanda is in the process of further amending its laws in order to remove any remaining legal hurdles for the transfer of cases from the Tribunal to be heard in Rwanda. When such new legislation is in place, the Prosecutor intends to reapply for referral of cases to Rwanda.

10. The Office of the Prosecutor also intends to propose an amendment to the Tribunal's Rules of Procedure and Evidence to include the option of special proceedings for the preservation of evidence against all fugitives for use during their trials when they are eventually arrested and tried. These proceedings aim at preserving evidence to be used in the prosecution of fugitives before the Tribunal after they are apprehended. The proposed amendment is not intended to constitute a trial in absentia. Rather, it intends to provide for adequate fair trial guarantees for the accused, including the appointment of counsel by the Trial Chamber during such proceedings.

11. Another measure to minimize an impunity gap relates to the work of the Office of the Prosecutor in follow-up to the round-table discussion with international and national Prosecutors in November 2008 and to the emerging consensus within INTERPOL, the International Association of Prosecutors and key regional national Prosecutors to enhance cooperation in the tracking, arrest and prosecution of Tribunal indictees as well as other suspects of the Rwandan genocide of 1994.

12. Investigations of the Office of the Prosecutor continue to focus on trial and appeal support, preparation of cases of fugitives and other indictees in custody for referral. Investigators of the Office of the Prosecutor also provide support to foreign requests for prosecution of cases before national jurisdictions of persons who have not been indicted by the Tribunal but against whom the Office of the Prosecutor often holds substantial evidentiary information in its database.

13. For the pretrial phase of each case, the Office of the Prosecutor ensures the trial-readiness of all evidence, including the witnesses. Furthermore, additional investigations

may be required during a trial to provide for additional and corroborating evidence and to address the defence case, including necessary rebuttal evidence.

14. The Tracking Team of the Office of the Prosecutor continues to intensify its efforts to locate the 13 remaining fugitives, a task that has been made more difficult by the security situation in the Democratic Republic of the Congo. The Prosecutor continues to pursue with the Government of Kenya the matter of the seizure of the assets of Félicien Kabuga, as well as his arrest and transfer to the Tribunal for trial. Kabuga and three other high-level fugitive indictees are earmarked for trial at the Tribunal because of their leadership roles during the 1994 genocide. Their possible arrest and transfer to the Tribunal would require a reassessment of the Tribunal's judicial calendar. The Prosecutor intends to request the referral of the other nine fugitive cases to national jurisdictions for trial.

15. In addition to new trials, the work of the Office of the Prosecutor focuses on the increasing workload of its Appeals and Legal Advisory Division that will take up the applications and appeals from the several judgements expected to be delivered in 2009 and 2010.

16. The Tribunal depends on the continued assistance of Member States to accomplish its mandate. Cooperation is required, in particular, for arrests of fugitives, possible transfer of cases, enforcement of sentences and relocation of acquitted persons and persons who have served their sentence.

17. The arrest of the 13 remaining fugitives remains a core element of the Tribunal's mandate. The Prosecutor continues to undertake diplomatic missions to secure the political support and cooperation of States for the fugitives' arrest and transfer to the Tribunal.

18. At present, the Tribunal has signed agreements with seven States on the enforcement of sentences. Since the transfer of eight convicted persons in November 2008 to Mali, transfer decisions for eight other detainees are under preparation.

19. Efforts continue to be made by the Registry to find host countries for the relocation of the two acquitted persons who remain currently under the protection of the Tribunal.

20. The difficulty in retaining competent, knowledgeable and experienced staff remains a major source of concern for the Tribunal, which can no longer offer long-term job security to its staff. At the same time, the continued service of the same staff in areas with consistently heavy workloads is essential to ensure the timely completion of the trials and to ensure a smooth transition to the future residual mechanism. The proliferation of Trial Chamber judgements that will be delivered in 2009 and 2010 will require increased appellate capacity to complete the workload within a reasonable period.

21. The overall resources required for the biennium 2010-2011 for the Tribunal amount to \$244,085,700 gross (\$226,618,500 net), before recosting, reflecting a decrease of \$61,292,900 gross, or 20.1 per cent (\$55,978,600 net, or 19.8 per cent), when compared with the revised appropriation for the biennium 2008-2009.

22. The International Criminal Tribunal for Rwanda proposes the retention of 628 posts, representing a decrease through abolition of 65 posts, or 9.4 per cent (22 Professional and 43 General Service posts) over the current authorized staffing level of 693. These abolitions would be effective 1 January 2011, based on the latest trial schedule.

23. The Office of the Prosecutor proposes the retention of 119 posts (1 USG, 1 D-2, 1 D-1, 11 P-5, 30 P-4, 32 P-3, 16 P-2, 25 General Service (Other level), 1 Field Service and 1 local level) out of a total of 142. The difference relates to the abolition of 23 posts (1 D-1, 2 P-5, 6 P-4, 7 P-3, 1 P-2, and 6 General Service (Other level)) effective 1 January 2011.

24. The Registry proposes to retain a total of 509 posts (1 ASG, 2 D-1, 11 P-5, 46 P-4, 73 P-3, 33 P-2, 6 General Service (Principal level), 89 General Service (Other level), 15 Field Service, 48 Security Service and 185 local level) out of a total of 551. The difference relates to the abolition of 42 posts (1 P-4, 4 P-2, 15 General Service (Other level), 5 Field Service, 2 Security Service and 15 local level) effective 1 January 2011.

25. Furthermore, based on the latest trial schedule for 2010, the Tribunal has determined that some of the functions slated for termination in 2009 would need to continue until 30 September 2010 in order to maintain certain critical functions in support of the ongoing trials. Accordingly, the provisions include an amount of \$8,689,300 to cover the corresponding salaries and common staff costs associated with the continuation for up to nine months of the functions of 93 positions (2 P-5, 3 P-4, 18 P-3, 33 P-2, 21 General Service (Other level) and 16 local level) in the Judicial Support Services Division of the Registry. This arrangement would ensure the Registry the flexibility to accelerate or decelerate the phasing out of individual positions.

26. Included in the overall resource requirements are provisions for the continuation of the redaction and digitization of all audio-visual materials, including archiving of records of the Office of the Prosecutor, and the accrued liabilities related to pensions of retired judges. The provisions related to the after-service health insurance for the Tribunal, estimated at \$29.7 million, are included in the report of the Secretary-General relating to the liabilities and proposed funding for after-service health insurance benefits (A/64/366).

27. The recosting of the proposed budgetary provisions at 2010-2011 rates contained in the present report is preliminary. For salaries related to posts in the Professional and higher categories, adjustments reflect the projected movement of post adjustment indices in 2009. Similarly, with regard to General Service salaries, recosting includes the forecast of probable cost-of-living adjustments based on anticipated inflation rates. The average vacancy rates for Professional and General Service posts realized in 2008 are proposed for 2010-2011. No attempt is made to forecast the movement of the relevant currency vis-à-vis the United States dollar at this time. The proposed budget will be recosted in December 2009, based on the latest data on actual inflation experience, the movement of post adjustment indices in 2009, the outcome of salary surveys, if any, salary expenditure experience, and evolution of operational rates of exchange in 2009.

28. During the biennium, extrabudgetary resources are estimated at \$2,063,300, to be utilized for the continued implementation of various outreach and capacity-building programmes, support programme for witnesses, and the operation of the International Criminal Tribunal for Rwanda fourth courtroom. The decrease in the overall extrabudgetary resource requirements reflect the level of expected voluntary contributions during the biennium.

29. The distribution of resources proposed for the Tribunal for the biennium 2010-2011 is reflected in tables 1 to 3 below.

Table 1
Percentage distribution of resources by component

	<i>Assessed budget</i>	<i>Extrabudgetary</i>
A. The Chambers	4.2	—
B. Office of the Prosecutor	18.7	—
C. The Registry	66.9	100.0
D. Archives	2.7	—
E. Liabilities for pension of retired judges	7.5	—
Total	100.0	100.0

Table 2
Resource requirements by component
(Thousands of United States dollars)

(1) Assessed budget^a

<i>Component</i>	<i>2006-2007 expenditure</i>	<i>2008-2009 appropriation</i>	<i>Resource growth</i>		<i>Total before recasting</i>	<i>Recasting</i>	<i>2010-2011 estimate</i>
			<i>Amount</i>	<i>Percentage</i>			
A. The Chambers	9 119.9	11 214.8	(1 079.6)	(9.6)	10 135.2	352.6	10 487.8
B. Office of the Prosecutor	65 038.9	69 278.8	(23 707.7)	(34.2)	45 571.1	2 599.2	48 170.3
C. The Registry	202 274.2	215 893.6	(52 561.5)	(24.3)	163 332.1	10 205.6	173 537.7
D. Records management and archives	—	8 991.4	(2 365.1)	(26.3)	6 626.3	606.8	7 233.1
E. Liabilities for pension of retired judges	—	—	18 421.0	—	18 421.0	—	18 421.0
Total (gross)	276 433.0	305 378.6	(61 292.9)	(20.1)	244 085.7	13 764.2	257 849.9
Income							
Income from staff assessment	23 252.7	22 781.5	(5 314.3)	(23.3)	17 467.2	394.4	17 861.6
Total (net)	253 180.3	282 597.1	(55 978.6)	(19.8)	226 618.5	13 369.8	239 988.3

(2) Extrabudgetary

	<i>2006-2007 expenditure</i>	<i>2008-2009 estimate</i>	<i>2010-2011 estimate</i>
Activities	2 283.2	2 146.0	2 063.3
Total	2 283.2	2 146.0	2 063.3
Total (1) and (2)	255 463.5	284 743.1	242 051.6

^a The provisions related to the after-service health insurance for the Tribunal, estimated at \$29.7 million, are included in the report of the Secretary-General relating to the liabilities and proposed funding for after-service health insurance benefits (A/64/366).

Table 3
Post requirements

Category	2008-2009 revised appropriation	Proposed changes		Total 2010-2011
		January 2010	January 2011	
Professional and above				
USG	1	—	—	1
ASG	1	—	—	1
D-2	1	—	—	1
D-1	4	—	(1)	3
P-5	24	—	(2)	22
P-4/3	195	—	(14)	181
P-2/1	54	—	(5)	49
Subtotal	280	—	(22)	258
General Service and other				
Principal level	6	—	—	6
Other level	135	—	(21)	114
Security Service	50	—	(2)	48
Local level	201	—	(15)	186
Field Service	21	—	(5)	16
Subtotal	413	—	(43)	370
Total	693	—	(65)	628

II. Programme of work and resource requirements

A. The Chambers

30. The Trial Chambers of the International Criminal Tribunal for Rwanda currently comprise seven permanent trial judges and eleven ad litem judges in Arusha, United Republic of Tanzania. The Appeals Chamber consists of seven permanent appeals judges in The Hague, five of whom are financed from the International Tribunal for the former Yugoslavia and two of whom are charged to the budget of the International Criminal Tribunal for Rwanda.

31. On 14 May 2009, President Byron submitted the latest version of the Tribunal's Completion Strategy, which maintains the goal of completing the evidence phase in all but one first instance trial by the end of 2009. Subsequent developments, however, now indicate that a spillover in the evidence phase of additional three cases into the first months of 2010 will be necessary.

32. At the time of the Tribunal President's address to the Security Council on 4 June 2009, the Tribunal had rendered judgement in respect of 44 persons; was engaged in judgement drafting in respect of 17 persons; and was engaged in ongoing

trials in respect of 7 persons. A total of 6 detainees were awaiting trial in the United Nations Detention Facility in Arusha, and a further 13 indictees remained at large.

33. The President's request seeking an extension of the mandate of five of the seven permanent judges and all 11 ad litem judges to handle the remaining work in 2010 was granted by the Security Council in its resolution 1878 (2009). By the same resolution, and in order to achieve an efficient and timely completion of the Appeals work with the expected timeline for appeals within the Completion Strategy, the Tribunal was authorized to redeploy up to four additional trial judges to enlarge the membership of the Appeals Chambers in anticipation of an increased workload in the Appeals Chamber.

34. By way of programme of work, the Trial and Appeals Chambers expect the following workload in 2010-2011:

(a) At the trial level:

- Judgement drafting and delivery in 12 trial cases involving 25 accused;
- Completion of evidence phase in the *Karemera et al.*, the *Nzabonimana*, the *Gatete*, and the *Ngirabatware* trials in case of spillover in 2010;
- Deposition-taking in evidence preservation proceedings in four cases;
- Decisions on up to nine requests for referrals under rule 11 bis;
- Decisions on requests for reviews;
- Possible retrials;
- Possible trials of up to four contempt cases;
- Preparation of transition to the Residual Mechanism by the Advance Team.

(b) At the appeals level:

- Hearings on appeal from judgement in 13 cases;
- Appeal of judgement delivery in 13 cases;
- Interlocutory appeals, referral appeals, requests for review and reconsideration, and applications related to those matters.

35. In the calendar year 2010, the workload of the Trial Chambers will comprise work in 12 cases involving 25 accused persons. The cases will involve those in which trials were completed in 2009 but in which the judgement drafting will spill over into 2010. This continues to be an unprecedented stream of workload for judges in the Trial Chambers and for the staff who assist them.

36. During the biennium 2008-2009, the following 10 new single-accused cases materialized: Bagaragaza, Gatete, Hategekimana, Kanyarukiga, Munyakazi, Muvunyi (retrial), Ngirabatware, Nzabonimana, Ntawukulilyayo and Nshogoza (contempt).

37. These additional cases resulted from: (a) the falling through of a guilty plea agreement in Bagaragaza; (b) the denial of rule 11 bis referrals in the Gatete, Hategekimana, Kanyarukiga and Munyakazi cases; (c) the appeal judgement in the Muvunyi case, ordering a retrial on one count; (d) arrests and/or transfer in 2008 of

accused Ngirabatware, Nzabonimana and Ntawukulilyayo; and (e) a contempt case in Nshogoza.

38. These new cases resulted in a significant increase in the workload of the Trial Chambers, given the existence of 13 other cases (involving 29 accused) that were already on the Chambers workload, thus resulting in a spillover of the workload into 2009. Judgements have now been rendered in eight of those cases (involving 11 accused). However, work continues in the following remaining six cases involving 19 accused: Setako, Karemera et al. (3 accused), Nyiramasuhuko et al. (6 accused), Ndindiliyimana et al. (4 accused), Bizimungu et al. (4 accused), and Nsengimana.

39. Trial activities are still in progress in one of the cases (Karemera et al.). The rest are now in the judgement drafting phase and the workload remains heavy, since the work in those cases remains substantial in terms of judicial deliberations and judgement drafting.

40. In view of the limited number of judges and staff needed to work on the cases, the materialization of the new cases exerted pressure on the workload of the Trial Chambers, making it impossible to finish much of the work in 2009 as earlier projected. The judges and the legal staff had to undertake multiple assignments, which constituted an added challenge vis-à-vis the completion of the cases within the time originally expected. As a result, the workload of the Trial Chambers will continue throughout 2010.

41. The projections and updates in respect of the cases are as follows:

(a) The evidence phase in the Setako trial has been completed with closing arguments still to be heard and the projected judgement delivery date is end of December 2009;

(b) The Ngirabatware trial was scheduled to commence in May 2009. However, an Appeals Chamber decision requires a postponement of the start of the trial, which will affect the projected judgement delivery date at the end of June 2010. The trial is now scheduled to begin in September 2009, with a projected judgement delivery date of end-December 2010;

(c) The Ntawukulilyayo trial started on 6 May 2009, with a projected judgement delivery date of end-September 2010;

(d) The Bagaragaza trial is expected to start in the third quarter of 2009, with a projected judgement delivery date of end-September 2010;

(e) The Nyiramasuhuko et al., the Ndindiliyimana et al., and the Bizimungu et al. cases are all at the judgement drafting stage, with a projected judgement delivery date of end-September 2010 in each case;

(f) The Nzabonimana trial is expected to commence in October 2009, with a projected judgement delivery date of end-December 2010;

(g) The Karemera et al. case is still ongoing. The trial had to be interrupted various times due to the illness of one of the accused. If the evidence phase can continue in the second half of 2009 and be completed in the first half of 2010, judgement delivery is expected in the first half of 2011;

(h) The Hategekimana trial commenced in March 2009 with a projected judgement delivery date of end-June 2010;

(i) The Kanyarukiga trial is scheduled to start in September 2009, with a projected judgement delivery date of end-June 2010;

(j) The Munyakazi trial started on 22 April 2009, with a projected judgement delivery date of end-June 2010;

(k) The Gatete trial is expected to start in October 2009, with a projected judgement delivery date of end-December 2010.

42. The postponement of the start of several of the new cases is due to a variety of factors, in particular, the resignation of defence counsels (Gatete and Kanyarukiga), which required additional time for preparation of new counsel, and the heavy workload of the judges sitting in several ongoing cases in parallel, so that the commencement of trials had to be also adjusted to their availability.

43. It is now expected that all trial activities, in terms of evidential hearings, will have concluded by the end of 2009 for all but four cases (Karemera et al., Gatete, Nzabonimana, and Ngirabatware). Judgements are expected to be delivered by the end of December 2010; however, it is possible that the four cases listed above might spill over into 2011, due to judgement drafting.

44. In 2010-2011, provisions will also have to be made for Trial Chamber capacity to respond to requests for reviews, orders from the Appeals Chamber, as well as for possible retrials and other residual issues until the end of 2011.

45. Subject to the approval of an amendment to the Rules of Procedure and Evidence by the plenary session of the judges, the Office of the Prosecutor will seek to request the Chambers to conduct deposition hearings, in the nature of examination of available witnesses for purposes of preserving the evidence in the cases of the four high-ranking accused persons who have remained at large and who are earmarked for trial before the Tribunal. The Office of the Prosecutor estimates that a minimum of four weeks will be needed for each of these cases. This requires judges and Chambers legal staff to conduct those hearings in 2010-2011.

46. Previously, all five requests by the Prosecutor for referral of cases to Rwanda under rule 11 bis have been denied by the Trial Chambers and by the Appeals Chamber in three of those cases. Rwanda is in the process of modifying its legislation to address some of the Chambers' concerns. Depending on the outcome of these reforms, the Prosecutor intends to file new requests for referral for up to nine fugitives who are not earmarked for trial before the Tribunal. Chambers will have to address the requests.

47. Currently, investigations are ongoing in several cases concerning possible contempt of court proceedings. Accordingly, staffing provisions have been made for up to four cases reaching the trial stage.

48. At the Appeals Chamber, the programme of work for 2010-2011 is projected as follows: in 2010, four judgements are expected to be delivered (Rukundo, Renzaho, Kalimanzira, Nsengimana) and six appeals are expected to be heard (in the cases of Bagosora et al., Rukundo, Renzaho, Kalimanzira, Nsengimana, Setako). In 2011, seven judgements should be delivered (in the cases of Bagosora et al., Setako, Hategekimana, Bagaragaza, Ntawukulyayo, Ngirabatware, Kanyarukiga) and five

appeals should be heard (Hategekimana, Bagaragaza, Ntawukuhiyayo, Ngirabatware, Kanyarukiga). In addition, it is expected that judgements will be delivered during the biennium 2010-2011 in the Muvunyi retrial and the Nshogoza trial (contempt).

Outputs

49. During the biennium 2010-2011, the following outputs will be delivered:

(a) Courtroom activities: orders for the transfer and detention of suspects, initial appearances, hearings on pretrial motions, status conferences, pretrial conferences, pre-defence conferences, reviews of and orders for protection measures for witnesses, trials, issuance of judgements of acquittal under rule 98 bis, issuance of final judgements, sentencing procedures, reviews and deferrals, suspensions of indictments under rule 11 bis and issuance of restitution orders in appropriate cases, and appeals hearings;

(b) Judicial activities: review and confirmation or dismissal of indictments or counts thereof, site visits, deliberations, drafting of judgements and decisions both in the Trial Chambers and in the Appeals Chamber, consideration of applications for orders and warrants, taking of depositions, holding of informal scheduling conferences, consideration of amicus curiae applications and supervision of imprisonment, transfer of convicts to places of imprisonment, plenary meetings;

(c) Reports of the President to the Security Council, on the request of a trial chamber or the Prosecutor, as to non-compliance by States with orders of the Tribunal;

(d) Annual report to the General Assembly and the Security Council under article 32 of the statute; the President's biannual report to the Security Council on the completion strategy;

(e) Appeals for international assistance to States;

(f) Discussion of issues of mutual concern and matters of policy and consideration and modification of the Rules of Procedure and Evidence and other basic texts of the Tribunal;

(g) Issuance of definitive editions of the Rules of Procedure and Evidence and the basic texts of the Tribunal in the two working languages of the Tribunal, in both hard-copy and electronic formats;

(h) Research: in international and national law and preparation, drafting, editing and issuance of all such documents, in the two working languages of the Tribunal, in both hard-copy and electronic formats;

(i) Press releases on matters of importance to the Tribunal as a whole;

(j) Special events: hosting visiting dignitaries, usually at the ambassador or foreign minister level, and meeting heads of State, explaining courtroom activities and the functioning of the Tribunal, establishing and maintaining high-level contacts with Governments of Member States to facilitate and improve cooperation with the Tribunal, swearing in new judges and hosting judges from other jurisdictions;

(k) Non-governmental organizations: responding to a few of the large number of requests for speakers and participation in seminars, conferences and symposiums on all aspects of judicial activity;

(l) Participation in activities within the United Nations system: annual statement by the President of the Tribunal to the General Assembly and participation in meetings concerning the role of the Tribunal within the United Nations system, cooperation with the International Tribunal for the former Yugoslavia and participation in discussions concerning other international judicial entities.

Table 4
Resource requirements — Chambers

Category	Resources (thousands of United States dollars)		Posts	
	2008-2009	2010-2011 (before recosting)	2008-2009	2010-2011
Assessed budget				
Non-post	11 214.8	10 135.2	—	—
Total	11 214.8	10 135.2	—	—

50. The amount of \$10,135,200, representing a decrease of \$1,079,600, would provide compensation for the judges during the biennium as well as their travel resources. The reduced requirements reflect a gradual decrease in the number of judges during the biennium, owing to the reduced level of trial activity. The provisions for the salaries and allowances of judges have been calculated based on the terms and conditions of service established by the General Assembly in accordance with its resolutions 61/262 and 63/259, and its decision 62/547.

B. Office of the Prosecutor

51. The Office of the Prosecutor is responsible for the prosecution of people suspected of bearing the highest responsibility in the commission of genocide and other serious violations of international humanitarian law committed in the territory of the Republic of Rwanda in 1994, as well as Rwandans who are suspected of committing such acts in neighbouring territories between 1 January and 31 December 1994. The role and responsibilities of the Prosecutor consist of the investigation and prosecution of the crimes listed in articles 2, 3 and 4 of the statute of the Tribunal. He/she is therefore responsible for the collection of evidence establishing the commission of these crimes, the tracking and arrest of those he/she indicts and the presentation of charges and evidence against them before the Chambers of the Tribunal.

52. At this stage, the major focus of the Prosecutor is the completion of the remaining trial and appeals workload, the referral of cases to national jurisdictions and the tracking of the remaining fugitives. The year 2009 has been a period of increased activity for the Office of the Prosecutor, marked by increased trial work in the prosecution of 10 new single accused cases of detainees at the United Nations Detention Facility.

53. Projections relating to the progress and completion of the hearing in the Karemera et al. trial, involving three accused persons, did not materialize, due to the illness and absence of one of the accused persons from August 2008 to March 2009, as well as the subsequent appeals litigation relating to the Trial Chamber's severance of the case of Ndirumpatse from the rest of the case. There have also been a number of delays in other trials during 2009 which increased the probability of some trials spilling over into 2010.

54. The start of the single-accused trials of Hategekimana, Muvunyi, Kanyarukiga and Ndirabatware that had been scheduled for the first half of 2009, did not materialize, with the result that some of them will start later during the year. The prosecution case closed on 26 May 2009 in the Ntawukulilyayo trial and the start of the defence case is scheduled to start in September 2009. These delays impact on the dates scheduled for other trials and the cumulative effect of that impact is that the hearing of evidence in some of the trials that are scheduled to start in the second half of 2009, such as Gatete, Ndirabatware and Nzabonimana, is expected to spill over into 2010.

55. On 12 May 2009, the Appeals Chamber vacated the date for the commencement of the Ndirabatware trial initially scheduled for 11 May 2009, and ordered the Trial Chamber to determine and fix a date that would allow the accused person sufficient time to prepare for his defence. Subsequently, the Trial Chamber fixed a new trial date of 3 August 2009. It later changed the date to 23 September 2009, when the accused argued that he needed more time to prepare for trial. At the time of writing of this report, the accused had sought certification to appeal the Trial Chamber's decision refusing to vacate the trial date of 23 September 2009. The defence insists that the start date should be either the end of 2009 or January 2010 if he is to have sufficient time to prepare for his trial.

56. The Office of the Prosecutor therefore anticipates that the hearing of evidence in one multi-accused trial of Karemera et al. (three accused) and three single accused trials (Nzabonimana, Gatete and Ndirabatware) may spill over into 2010. The Office of the Prosecutor also expects to file at least nine applications, in respect of indicted fugitives at large, under rule 11 bis requesting Trial Chamber orders for the referral of those cases to Rwanda and other national jurisdictions that are willing and adequately prepared to accept the referral of such cases for trial.

57. As noted above, of the 13 fugitives still at large, the Prosecutor intends to transfer 9 to national jurisdictions for trial. The Office of the Prosecutor has therefore intensified the programme for the tracking and apprehension of the remaining 4 fugitives who have been prioritized for trial at the Tribunal. They are among the most notorious perpetrators of the genocide. The Tribunal will therefore try any of the prioritized four fugitives (Felicien Kabuga, Protais Mpiranya, Augustin Bizimana and Idelphonse Nizeyimana) should they be arrested before the end of its mandate. In the event of arrest, the Prosecutor will have to prepare the trials in Arusha and additional resource requirements would be addressed in the context of revised estimates as and when the need arises. It is important to reiterate, in view of the completion strategy, the importance of arresting Kabuga and transferring him to the Tribunal as soon as possible in order to determine his guilt or innocence.

58. The conclusion of the Military I trial in December 2008 has resulted in three appeals which will form part of the workload of the Appeals and Legal Advisory

Division of the Office of the Prosecutor in the biennium 2010-2011. Judgements in the now concluded Government II trial, involving four accused persons, the Butare trial involving six persons and the Military II trial involving four accused persons, the ongoing trial of Karemera (involving three accused) and two others, are expected during the biennium 2010-2011. Together with judgements in single accused trials, these judgements are expected to spawn approximately 56 appeals during the next biennium. The Tribunal's experience is that whenever there is a conviction, each convicted accused person appeals. On many occasions, the Prosecutor has filed counter appeals. The Office of the Prosecutor expects that the trend by those convicted of applying for the review of completed proceedings will continue and increase. The Office of the Prosecutor expects about 23 such reviews in the biennium 2010-2011. The workload of the Appeals and Legal Advisory Division is therefore expected to increase dramatically during the biennium 2010-2011.

59. The number of cases actually transferred to national jurisdictions will depend on decisions of the Chambers' referral bench, which will decide whether those cases meet the conditions required for their transfer. The Office of the Prosecutor will continue to provide the resources required to support requests for the transfer of cases, which may include addressing the legal issues that may be raised during eventual appeals proceedings. Transitional issues relating to this and other matters require the Prosecutor to devote substantial effort, both legal and administrative, in supporting prosecutions by providing all required assistance to domestic institutions when cases and investigation dossiers have been successfully transferred. The Office of the Prosecutor anticipates an increase in the activities in the next biennium for handling transitional issues as well as archiving and legacy matters. There is an increase in requests from foreign authorities for cooperation in their fight against impunity specifically targeting suspects of the Rwandan genocide of 1994 who have not been indicted and/or prosecuted by the Tribunal. Recent developments in this area require closer liaison and cooperation between the Office of the Prosecutor and Governments and other stakeholders.

60. The way in which the defence complies with rules on disclosure of the details of their witnesses burdens the prosecution with additional trial support investigation work. That work involves the checking of the antecedents of defence witnesses and finding evidence that can be used to disprove alibi defences. Antecedents are a critical tool used by trial lawyers to cross-examine defence witnesses and discredit their evidence. In calling hundreds of witnesses, the defence creates a need for a high number of missions by trial lawyers and investigators. This phenomenon contributes to the significant travel budget of the Office of the Prosecutor.

61. Many victim-witnesses of the Rwandan genocide are sickly, having been either infected with deadly diseases or subjected to severe physical trauma during and subsequent to the genocide. Many crucial prosecution witnesses are dying or have been lost. Unless those remaining are provided with medical and psychological assistance, many of them will be lost, leaving the Prosecutor without the means to prove some of his cases.

62. In November 2008, the Prosecutor participated in another Colloquium for Prosecutors of International Criminal Tribunals to share problems, solutions and strategies and to exchange best practices in the prosecution of criminals at the international criminal justice level. The main benefit of these colloquiums is that

ideas are shared about simplifying procedures and using better ways of doing international prosecutions: a contribution to the completion strategy. A follow-up and perhaps final colloquium will be held in Rwanda towards the end of 2009, using extrabudgetary resources.

63. In order to keep up with the pace and schedule of the Chambers and fulfil the goals of the completion strategy, it is crucial that the Office of the Prosecutor maintain adequate resources in the Prosecution Division, the Investigations Section, the Appeals and Legal Advisory Division and the Information and Evidence Support Section.

64. In the light of the above-mentioned developments, the Office of the Prosecutor will undergo a phased restructuring and realignment of resources with a view to focusing its efforts to complete all spillover trials by the first half of 2010 and to accelerate the appeals work. In accordance with the updated completion strategy, the main goal that the Prosecutor aims to achieve by the end of the Tribunal's mandate is to complete, by the end of 2010, all the trial-related workload. It is also to complete, by the end of 2011, the prosecution of all remaining appeals and reviews.

65. The main pillars of the Prosecutor's completion strategy in relation to accused persons are as follows:

1. Transfer of accused persons to national jurisdictions

66. The plan of the Prosecutor to obtain orders for the referral of the cases of five accused persons to Rwanda during 2008 and 2009 failed because the Trial Chambers and the Appeals Chamber found that, for a number of reasons, the accused would not receive fair trials in Rwanda. Since those decisions, the Government of Rwanda has embarked on a number of law reform projects aimed at removing the factors that led the Trial Chambers to refuse the referral of cases to Rwanda. The Office of the Prosecutor is working closely with the Government of Rwanda and plans to file applications for orders for the referral of at least nine cases of fugitives to Rwanda as soon as the law reform process is completed. Should the remaining four top-priority fugitives remain at large until the conclusion of the mandate of the Tribunal, their cases will be passed on to the residual mechanism that will be established after the closure of the Tribunal.

67. Experience with the five applications for referral to Rwanda that are referred to above has revealed the legal complexities involved in such applications. Decisions in such applications invariably go on to appeal. For this reason, the Office of the Prosecutor is required to retain capacity to deal with transitional issues envisaged in the transfer of cases to national jurisdictions.

68. The Office of the Prosecutor has set up monitoring mechanisms that will follow the progress of trials that are transferred to Rwanda and to European countries. In respect of cases that will be transferred to national jurisdictions in Africa, including Rwanda, the Office of the Prosecutor has obtained the concurrence of the African Union to make available some of their people as consultants for the monitoring of the trials of cases that will be referred to African national jurisdictions. For cases transferred elsewhere, the Prosecutor will negotiate with organizations with a presence with a view to obtaining monitoring assistance.

2. Tracking of fugitives

69. Thirteen indicted persons are still at large. This number includes four of the six top-priority fugitives earmarked for trial at the Tribunal. The strategy of the Prosecutor is to intensify the tracking of fugitives and especially the four priority fugitives and to arrest all or as many fugitives as possible before the end of the next biennium. The Prosecutor will continue to intensify pressure on some Member States to cooperate in the tracking and arrest of any of the fugitives suspected to be hiding on their territories. However, it remains of critical importance that the Tracking Team be provided with the necessary means, including equipment, for tracking the fugitives.

3. Trial strategy

70. The trial strategy of the Office of the Prosecutor is as follows:

(a) Make all trials less cumbersome by pruning indictments of unnecessary and superfluous charges. The aim is to have few charges in an indictment. This will enable the Office of the Prosecutor to call fewer witnesses to prove the crimes charged, use less time and spend less resources. In this regard, the Office of the Prosecutor will continue to employ the process of indictment review through its Indictment Review Committee, consisting of senior trial attorneys, the senior appeals counsels, legal advisers and other staff. The committee reviews and streamlines indictments in line with current jurisprudence and also with the view to implementing the above-mentioned strategy. The process of indictment review involves investigative work, in terms of which investigators are required to look for evidence that would assist in discarding unnecessary evidence;

(b) Put every case that is about to start trial through a trial-readiness review process. This process is also conducted by senior trial lawyers, together with other staff of the Office of the Prosecutor. It was initiated to avoid or minimize trial delays experienced in the past. The aim is to ensure that the case is truly ready when the trial date arrives and there are no avoidable impediments which may contribute to postponement or delay. This process often involves further investigation work in preparation for the start of the trial. The Trial Readiness Review Committee may advise the trial team to dispense with a number of witnesses if another witness that sufficiently covers a particular point can be found. This creates further investigative work which, if successful, makes the case stronger and the trial run more quickly;

(c) Distribute all cases among all available senior trial attorneys in the Office of the Prosecutor in order to ensure that they are properly and sufficiently prepared and made trial-ready. The senior trial attorneys have been given various deadlines by which their cases should be trial-ready so that, as soon as a Trial Chamber is free, there will be cases from which to select and proceed with trials. This will save time and enhance the chances of an effective implementation of the completion of the mandate. Trial preparation, by nature, involves considerable preparatory work, missions, etc. The Prosecutor therefore needs to reserve sufficient capacity in the Investigations Section to assist in trial preparation;

(d) The preparation of cases for trial and their presentation before the Trial Chambers presupposes that senior trial attorneys are provided with sufficiently "resourced" trial teams. For the preparation and presentation of a single-accused case, the Office of the Prosecutor requires a trial team consisting of at least 1 Senior

Trial Attorney (P-5), 1 Trial Attorney (P-4), 1 Assistant Trial Attorney (P-3), 1 Case Manager (P-2) and a shared Secretary at the General Service (Other level). For a multi-accused case, the number of team members is greater, depending on the size of the case.

4. Appeals

71. The appeals strategy of the Office of the Prosecutor supposes a huge increase in the number of appeals and reviews during the next biennium. The Office is currently working on 10 actual appeals which are expected to continue in the biennium 2010-2011 and expects to be dealing with a further 62 potential appeals during the biennium. Those appeals are expected to arise from judgements that will be delivered in 18 trials from June 2009 onwards. The estimate is based on the experience that the defence will always file an appeal in cases of a conviction. Exceptions have existed only in cases of plea agreements, which, in these cases, are now out of the question. The Office of the Prosecutor also anticipates that it will have to deal with about 27 interlocutory appeals arising from trials that are expected to spill over into 2010. In order to meet this workload, work on appeals and avoid loss of time through applications for extension of time, the strategy of the Office of the Prosecutor requires trial teams to do a structured handover of the case file immediately after the closing brief to the appeals team that will be handling the appeals in the case. The appeals team must then study the trial record and identify issues that may arise on appeal and work out how they can be handled. By the time the judgement is delivered, the appeals team, which will be fully conversant with the trial record, will study the judgement and be able to quickly identify appeal issues and to deal without delay with appeals filed by the defence. The aim of the strategy is to speed up the appeal process, at least from the side of the Office of the Prosecutor. The staff complement in the Appeals and Legal Advisory Division is divided into three main teams, each handling a number of appeals, potential appeals and interlocutory appeals. As part of its strategy, the Office of the Prosecutor envisages holding an appellate advocacy training workshop during the biennium to provide continuing training to members of appeals teams in the practice of appellate advocacy.

72. The Prosecutor also envisages strategic management devices to ensure that the completion strategy comes to a successful conclusion. Some of these management devices are set out below.

(a) Exploitation of information and technology resources

73. The strategy of the Office of the Prosecutor sees information technology as the backbone of the work of that Office, in that judicial research, communication, judicial filings, judgements and records of proceedings are done electronically. The Prosecutor's strategy therefore envisages an Information and Evidence Section that continues to be adequately responsive to the needs of the trial and appeals teams. The strategy of the Office of the Prosecutor continues to improve not only the management of information but also the cataloguing and retrieval systems in the Information and Evidence Section. It is also running an Electronic Disclosure System which helps trial teams to comply with the strict disclosure rules of the Tribunal. In that regard, the Section also assists in the disclosure searches, and provides training to lawyers and other support staff to enhance their ability to comply with disclosure rules.

(b) Capacity enhancement through continuous learning and best practices

74. The provision of human resources alone will not lead to a successful implementation of the completion strategy. As the jurisprudence of the two ad hoc Tribunals grows, and as new complexities emerge every day, it is necessary to enhance the capacity of lawyers of the Office of the Prosecutor, investigators and support staff through training. The strategy of the Office of the Prosecutor is to hold regular advocacy training and appellate training workshops throughout the biennium. Secondly, the Office of the Prosecutor will continue to hold monthly staff legal forums at which the jurisprudence and its application to the work of the Office of the Prosecutor are discussed.

(c) Contingency plans

75. In terms of the strategy of the Office of the Prosecutor, a situation should be avoided in which an indicted person escapes justice because neither the Tribunal nor a national jurisdiction can prosecute him or her. This can arise if the fugitive is not arrested until the closure of the Tribunal and if there is no order transferring his or her case to a national jurisdiction. Although the Prosecutor plans to transfer some of the cases of indicted accused persons to national jurisdictions for trial, there is no guarantee that this will happen or that this will happen in all cases. In view of the fact that rule 11 bis requires the permission of the Trial Chambers, there is a possibility that some of the motions of the Prosecutor for the transfer of accused persons to national jurisdictions may be rejected by the Trial Chambers or the Appeals Chamber. If the Prosecutor is not able to prosecute such detainees, they will surely escape justice on a technicality. Justice would demand that they be prosecuted for the crimes they are alleged to have committed. This can be handled by the residual mechanism after the closure of the Tribunal.

Table 5

Objectives for the biennium, expected accomplishments and indicators of achievement

Objective of the Tribunal: To meet the requirements of the Security Council with regard to the investigation and prosecution of persons who bear the highest responsibility for the violation of international humanitarian law in a fair manner and within a time frame that facilitates the implementation of the completion strategy.

<i>Expected accomplishments</i>	<i>Indicators of achievement</i>
(a) Arrest of accused persons still at large	(a) Number of arrests <i>Performance measures</i> 2006-2007: 6 2008-2009 estimate: 6 2010-2011 target: 4
(b) Accelerated disposition of cases	(b) (i) Number of trials under preparation <i>Performance measures</i> 2006-2007: 11 2008-2009 estimate: 5 2010-2011 target: 2 (ii) Number of accused at trial <i>Performance measures</i> 2006-2007: 23 2008-2009 estimate: 23 2010-2011 target: 2 (iii) Total number of prosecution witnesses <i>Performance measures</i> 2006-2007: 167 2008-2009 estimate: 120 2010-2011 target: 40

<i>Expected accomplishments</i>	<i>Indicators of achievement</i>
	(iv) Total number of cases concluded (before judgement)
	<i>Performance measures</i>
	2006-2007: 9
	2008-2009 estimate: 9
	2010-2011 target: 2
(c) Successful prosecution of accused persons	(c) Number of convictions (when judgements delivered)
	<i>Performance measures</i>
	2006-2007: 5
	2008-2009 estimate: 23
	2010-2011 target: 16
(d) Facilitation of appeals to successful conclusion	(d) Number of appeals concluded
	<i>Performance measures</i>
	2006-2007: 3
	2008-2009 estimate: 5
	2010-2011 target: 7
(e) Transfer of dossiers to national jurisdictions	(e) Number of dossiers transferred out of the Office of the Prosecutor
	<i>Performance measures</i>
	2006-2007: 10
	2008-2009 estimate: 17
	2010-2011 target: 5
(f) Transfer of cases to national jurisdictions using rule 11 bis	(f) Number of cases transferred out of the Office of the Prosecutor
	<i>Performance measures</i>
	2006-2007: 5
	2008-2009 estimate: 12
	2010-2011 target: 9

External factors

76. The Office is expected to meet its objectives and expected accomplishments on the assumption that:

- (a) Witnesses are available;
- (b) The security and safety of witnesses are ensured in cooperation with national Governments;
- (c) Member States, non-governmental organizations and the international community remain supportive of the overall mission and vision of the Tribunal and cooperate in the arrest of indicted persons;
- (d) More Member States accept the referral of cases to their jurisdictions for trial;
- (e) Trials are not handicapped by the serious illness of accused persons;
- (f) Member States cooperate in the relocation and protection of witnesses.

Outputs

77. During the biennium 2010-2011, the following outputs will be delivered:

- (a) The completion, by the end of 2010, of the trials of all accused persons who are meant for trial at the International Criminal Tribunal for Rwanda and are currently detained at the United Nations Detention Facility;
- (b) The transfer of the cases of all nine fugitives who are earmarked for transfer to national jurisdictions;
- (c) The tracking and arrest of the 13 remaining fugitives, including: the tracking and arrest of the remaining 4 high-priority indicted fugitives, namely, Felicien Kabuga, Protais Mpiranya, Augustin Bizimana and Idelphonse Nizeyimana;
- (d) The successful defence of all convictions and sentences that are challenged on appeal during the biennium;
- (e) Investigation: witness and expert witness statements, summaries of witness interviews, witness schedules and protective measures for witnesses, intelligence related to suspects and fugitives, the collection of evidence relevant to trial support and trial preparation, reports on the arrest of fugitives, trials and appeals and requests for assistance; witness binders; unofficial translations and English summaries of documentation in the local language and indictment reviews;
- (f) Prosecution: exhibits, witness summaries, extensive searches for relevant material to be disclosed to the defence, training courses, including legal issues, advocacy and legal opinions on issues of international law; filings related to the prosecution of cases and appeals, including indictments and amended indictments; motions, responses to defence motions, witness statements, opening briefs, closing briefs, sentencing briefs, appeals on the merits, interlocutory appeals, plea agreements, miscellaneous applications for subpoenas, search warrants, the detention of suspects and the transmission of arrest warrants;
- (g) Management: policy papers and directives, guidelines related to legal practice, annual reports, funding proposals and budget preparation; reports on

activities of States relevant to cooperation; press releases, speeches, statements and briefings; and training of staff of the Office of the Prosecutor.

Table 6
Resource requirements — Office of the Prosecutor

Category	Resources (thousands of United States dollars)		Posts	
	2008-2009	2010-2011 (before recosting)	2008-2009	2010-2011
Assessed budget				
Post	50 990.8	38 725.7	142	119
Non-post	11 258.0	2 083.9	—	—
Staff assessment	7 030.0	4 761.5	—	—
Subtotal	69 278.8	45 571.1	142	119
Extrabudgetary	200.9	—	—	—
Total	69 479.7	45 571.1	142	119

Table 7
Post requirements — Office of the Prosecutor

Category	2008-2009 rev. and appropriation	Proposed changes		Total 2010-2011
		Abolitions		
		January 2010	January 2011	
Professional and above				
USG	1	—	—	1
D-2	1	—	—	1
D-1	2	—	(1)	1
P-5	13	—	(2)	11
P-4/3	75	—	(13)	62
P-2/1	17	—	(1)	16
Subtotal	109	—	(17)	92
General Service and other				
Other level	31	—	(6)	25
Local level	1	—	—	1
Field Service	1	—	—	1
Subtotal	33	—	(6)	27
Total	142	—	(23)	119

78. Resources under posts and staff assessment in the amount of \$38,725,700 and \$4,761,500, respectively, would provide for the continuation of 119 posts as reflected in table 6 above. The net decrease of \$14,533,600 (\$12,265,100 for posts

and \$2,268,500 for staff assessment) is due to the abolition of 23 posts (1 D-1, 2 P-5, 6 P-4, 7 P-3, 1 P-2 and 6 General Service (Other level)), effective 1 January 2011, and the removal of the first-year provision of the 67 posts abolished as of 1 January 2009 during the biennium 2008-2009.

79. The total non-post resources requested in the amount of \$2,083,900, reflecting a decrease of \$9,174,100, would provide for fees and travel of consultants and expert witnesses, official travel of staff and operational expenses. The reduction is attributable to the one-time provision for general temporary assistance during the biennium 2008-2009, as well as reduced level of trial activities envisaged during the biennium 2010-2011.

C. The Registry

80. Pursuant to article 16 of the statute of the Tribunal, the Registry is responsible for the administration and servicing of the Tribunal. It is composed of three main organizational units, namely, the Immediate Office of the Registrar, the Judicial and Legal Services Division and the Division of Administrative Support Services. The resident auditor and investigators, while reporting directly to the Office of Internal Oversight Services, are reflected under the Registry for budgetary purposes.

81. During the biennium 2010-2011, the Registry will continue to support implementation of the Tribunal completion strategy geared towards the expeditious completion of trials of top-level accused and the transfer of middle and lower-level cases to competent national jurisdictions.

82. In pursuance of those objectives, the Registry, to ensure fairness by affording legal representation for indigent accused persons and humane treatment of detainees, will continue to render more and better qualitative services. The revamped lump sum system ensures that, in compliance with the completion strategy, adequate resources are afforded the accused person at the most critical stage of the criminal process.

83. The Immediate Office of the Registrar continues to provide consistent and effective judicial support services to the Chambers and the Office of the Prosecutor, undertaking continuous review of reforms already in place and carrying out a regular consultative process with the judges and the Prosecutor in this context. The Tribunal's activities reached a further peak during the current biennium, with an unprecedented number of trials run at the same time, which resulted in the completion of a greater number of cases. The support expected from the Registry to conclude additional agreements with Member States and other institutions have continued to increase. In addition to the first acquittal in 2001 and two in February 2004, there were two in 2006 and one in 2008.

84. As more acquittals are anticipated during 2009 and in the biennium 2010-2011, this will further compound the Tribunal's relocation efforts, which are now critical in the face of the lack of cooperation from Member States. The relocation of acquitted persons is one of the key elements of the completion strategy.

85. Cooperation and political support for the Tribunal by major stakeholders, such as Governments and non-State entities, has improved in other areas and systematic efforts to improve the image and visibility of the Tribunal through the effective dissemination of public information have borne fruit, with increased media

coverage, organized visits to the headquarters of the Tribunal for briefing and familiarization, and for better understanding of its achievements and multifaceted challenges. Cooperation between the Government of Rwanda, non-governmental organizations, the civil society organizations and the International Criminal Tribunal for Rwanda has been enhanced through: (a) the dispatch of more than 700 official notes verbales and correspondence to Member States, requesting their judicial assistance and cooperation in support of ongoing trials of the International Criminal Tribunal for Rwanda; (b) one more agreement on the enforcement of sentences signed between the United Nations and the Government of Rwanda; (c) more meetings held between the International Criminal Tribunal for Rwanda, the external stakeholders and the Government of Rwanda to address key issues concerning cooperation; (d) frequent visits to the International Criminal Tribunal for Rwanda by VIPs, Government officials and other stakeholders, including "Friends of ICTR", and their being duly briefed on the work of the Tribunal as part of its completion strategy; and (e) visitors being familiarized with the operations, resources and facilities of the International Criminal Tribunal for Rwanda.

86. It should be noted that more Member States are facilitating the travel and protection of witnesses who come to testify before the Tribunal, and they are also facilitating defence counsel investigations through identification of, access to and meeting with defence witnesses.

87. The External Relations and Strategic Planning Section in the Immediate Office of the Registrar also facilitated the hosting by the Prosecutor of a forum held in Arusha in November 2008 for selected national prosecution authorities, regional courts and representatives of important civil society stakeholders to discuss ways of enhancing cooperation. As part of the continuing consultative process, early in 2010, the Office of the Prosecutor will host the fifth Annual Colloquium for Prosecutors of International Criminal Tribunals which will focus on the challenges of completion and the proper closure of the ad hoc tribunals.

88. The Judicial and Legal Services Division will: (a) provide direct judicial assistance to the trial Chambers and the appeals Chambers, such as legal research, drafting and other judicial support, preparation of the judicial calendar, maintenance and scheduling of courtrooms, and the recording, maintenance and registration of records of judicial proceedings, transcripts, motions, orders, decisions, judgements and sentences; (b) be responsible for the provision and maintenance of the detention facilities, the development and maintenance of a list of defence counsels, the establishment and maintenance of a system to remunerate defence counsel, interpretation and translation services, assistance to prosecution and defence witnesses testifying before the Tribunal, and legal library services.

89. With regard to outreach and capacity-building efforts, the Tribunal has continued its work to improve awareness of its work and achievements through its outreach programme. In cooperation with the Government of Rwanda and the financial support of the European Commission, the Tribunal has established 10 similar information and documentation centres across the country to improve public access to documents and other information about its work, challenges and accomplishments. Most of the new centres are housed in justice complexes to facilitate access by Rwandan judicial and legal staff to the jurisprudence of the Tribunal and to technology, which enable them to perform legal research online. The centres will work closely with local authorities and communities by facilitating their

access to legal information resources. Along with mass media, the centres will be used by the Tribunal and the Rwandan judicial system to coordinate genocide prevention education and research, and to give a complete and coherent picture of justice that is being pursued at all levels. The Tribunal's first three provincial documentation and information centres, located in Nyamagabe, Muhanga and Gasabo Districts, have already been inaugurated.

90. The Division of Administrative Support Services continues to provide consistent and effective administrative support services to the Chambers, the Office of the Prosecutor and other components of the Registry. The Division also continued the implementation of streamlining measures aimed at improving and sustaining the level of administrative support services required by the Tribunal through the enhancement and extensive use of existing systems and applications designed to reduce organizational costs for operational efficiency and effectiveness and in support of the completion strategy. During the biennium 2008-2009, the Division has launched various initiatives and staff development programmes, with a view to enhancing staff skills, supporting staff retention and improving productivity. The Division continues to implement career support programmes in order to assist staff to cope with the anxieties brought about by the proximity of the completion strategy. The Tribunal, with the support of the United Nations Secretariat, initiated a number of non-monetary measures aimed at retaining staff until the milestone of the Tribunal is achieved and their services are no longer required.

Table 8

Objectives for the biennium, expected accomplishments and indicators of achievement

Objective of the Tribunal: To ensure appropriate and successful implementation of the Tribunal's legal and administrative support activities in compliance with the regulations and rules of the United Nations and with a view to supporting the Tribunal's completion strategy.

<i>Expected accomplishments</i>	<i>Indicators of achievement</i>
(a) Strengthened cooperation of Member States on enforcement of sentence matters	(a) Number of new memorandums of understanding concluded with Member States <i>Performance measures</i> 2006-2007: 0 2008-2009 estimate: 2 2010-2011 target: 1
(b) Increased public awareness of the work of the Tribunal	(b) Number of enquiries with respect to the work of the Tribunal <i>Performance measures</i> 2006-2007: 4,430 enquiries 2008-2009 estimate: 6,000 enquiries 2010-2011 target: 8,000 enquiries

(c) Faster turnaround time for decisions and orders after the conclusion of pleadings

(c) Maximum deadlines of five days for decisions/orders after initial deliberations of the first draft decisions/orders

Performance measures

2006-2007: 5 days

2008-2009 estimate: 5 days

2010-2011 target: 5 days

(d) Reform of the legal aid system

(d) Reduction in the number of cases for which payments are in excess of agreed-upon thresholds

Performance measures

2006-2007: 529 claims

2008-2009 estimate: 518 claims

2010-2011 target: 18 claims

External factors

91. The Registry is expected to meet its objectives and expected accomplishments on the assumption that:

(a) Member States continue to cooperate in the arrest and transfer of indicted persons and in the provision of information;

(b) There are no delays in the proceedings for reasons beyond the control of the Tribunal, including illness of the accused or death of lead defence counsel, unforeseen disclosure of material, requests for replacement of defence counsel, review of cases already tried and the availability of witnesses to certify statements and provide testimony.

Outputs

92. During the biennium 2010-2011, the following outputs will be delivered:

(a) Provision of policy guidance and executive direction for the coordination and implementation of a sound and realistic completion strategy;

(b) Provision of consistently effective judicial support services to the Chambers and the Office of the Prosecutor, undertaking continuous review of reforms already in place and carrying out a regular consultative process with the judges and the Prosecutor in this context;

(c) Implementation of strategies for the transfer of International Criminal Tribunal for Rwanda cases to States for trial, based on decision of the Chambers under rule 11 bis of the Rules of Procedure and Evidence;

(d) Resolution, in cooperation with the Office of Legal Affairs at Headquarters, of legal and practical problems with regard to the enforcement of

sentences, the relocation of acquitted persons or the relocation of convicted persons who have served their sentence at the United Nations Detention Facility;

(e) Supervision of the practical enforcement of sentences in countries that have signed agreements with the United Nations for that purpose;

(f) Optimization of the International Criminal Tribunal for Rwanda legal aid system by extending and further streamlining the lump sum system of payment, while monitoring expenditures to prevent any abuses of the system;

(g) Sustenance and improvement of the level of cooperation and political and operational support for the Tribunal by external counterparts, such as Governments and non-State entities;

(h) Formulation and implementation of an effective strategy for mobilizing resources for the Tribunal's Voluntary Trust Fund for important projects that are key to the discharge of the Tribunal's mandate and the success of the transfer of cases to States, including Rwanda;

(i) Continuation of systematic efforts to improve the image and visibility of the Tribunal through the effective dissemination of public information and the accurate projection of its work at appropriate levels, as well as the conduct of appropriate programmes for visitors to the Tribunal, who are frequently high-level individuals and institutions;

(j) Provision of direct judicial assistance to the trial Chambers and the appeals Chambers, such as legal research, drafting and other judicial support; preparation of the judicial calendar, maintenance and scheduling of courtrooms; and the recording, maintenance and registration of records of judicial proceedings, transcripts, motions, orders, decisions, judgements and sentences; provision and maintenance of the detention facilities; development and maintenance of a system to remunerate defence counsel; and assistance to prosecution and defence witnesses testifying before the Tribunal;

(k) Provision of administrative services for all activities of the Tribunal in the areas of human resource management; budget and finance; general services; building management and transport; information technology; security and safety; procurement; health services; and continuation of the provision of support to the services of the United Nations Detention Facility.

Table 9
Resource requirements — Registry

Category	Resources (thousands of United States dollars)		Posts	
	2008-2009	2010-2011 (before recosting)	2008-2009	2010-2011
Assessed budget				
Post	123 168.1	97 269.9	551	509
Non-post	76 974.0	53 356.5	—	—
Staff assessment	15 751.5	12 705.7	—	—
Subtotal	215 893.6	163 332.1	551	509
Extrabudgetary	1 945.1	2 063.3	—	—
Total	217 838.7	165 395.4	551	509

Table 10
Post requirements — Registry

Category	2008-2009 revised appropriation	Proposed changes		Total 2010-2011
		Abolitions		
		January 2010	January 2011	
Professional and above				
ASG	1	—	—	1
D-1	2	—	—	2
P-5	11	—	—	11
P-4/3	120	—	(1)	119
P-2/1	37	—	(4)	33
Subtotal	171	—	(5)	166
General Service and other				
Principal level	6	—	—	6
Other level	104	—	(15)	89
Security Service	50	—	(2)	48
Local level	200	—	(15)	185
Field Service	20	—	(5)	15
Subtotal	380	—	(37)	343
Total	551	—	(42)	509

93. The amount of \$97,269,900 provides for the continuation of 509 temporary posts. The decrease under post resources (\$25,898,200) and staff assessment (\$3,045,800) is attributable to the abolition of a total of 42 posts (1 P-4, 4 P-2, 15 General Service (Other level), 2 Security Service, 5 Field Service and 15 local level) effective 1 January 2011, and the removal of the first-year provision of the

272 posts abolished as of 1 January 2009 during the biennium 2008-2009. The changes to the overall staffing complement of the Registry are summarized in table 10 above.

94. Furthermore, based on the latest trial schedule and in order to sustain the level of support required by the Chambers and the Office of the Prosecutor as the Tribunal moves towards the completion of trials, functions related to 93 positions (2 P-5, 3 P-4, 18 P-3, 33 P-2, 21 General Service (Other level) and 16 local level) provided through general temporary assistance in 2009 would continue to be required through 30 September 2010. In order to ensure the Registry the flexibility to accelerate or decelerate the phasing out of individual positions, it is proposed that their related funding continue to be provided through general temporary assistance. This would enable the maintenance of critical functions in supporting the trials through 30 September 2010.

95. The requirements of \$53,356,500 under non-post resources would provide for other personnel-related costs, consultants and expert witnesses for the defence, travel of staff and witnesses, defence counsel fees and other contractual services, general operating expenses, hospitality, supplies and materials, replacement of office equipment, improvement of premises and the Tribunal's share of United Nations field security arrangements. The reduced requirement in the amount of \$23,617,500 under non-post resources reflects the downsizing in the staffing complement of the Tribunal and the reduced trial activity envisaged during the biennium 2010-2011.

D. Records management and archives

96. In June 2007, the representatives of the International Criminal Tribunal for Rwanda and the International Tribunal for the former Yugoslavia, together with the Archives and Records Management Section, the Office of Central Support Services, and the Office of Legal Affairs at United Nations Headquarters, met in The Hague in order to develop and implement a common, comprehensive and coordinated strategy and project plan for archives and records management across the two Tribunals. The archiving strategy outlines, inter alia, the appropriate preservation of the work of the Tribunal and the development and implementation of access standards for records which are disclosable.

97. Taking into account the findings and outcome of that meeting, the International Criminal Tribunal for Rwanda developed a four-year project plan and identified the resource requirements needed for the biennium 2008-2009 to ensure that all documents of the Tribunal are preserved as a full and compliant record of the unique activities of the Tribunal, and are available for access to all stakeholders, including the residual mechanism and future users. In addition, in order to better support the archiving functions for the Tribunal, it was decided that all archiving-related functions from each organ of the Tribunal (i.e. Chambers, the Office of the Prosecutor and the Registry) would be consolidated into one centralized administrative unit responsible for overseeing the implementation of the archives strategy and day-to-day functions.

98. The resources required to implement the 2008-2009 activities designed to meet the project objectives were approved by the General Assembly in its resolution 62/229. The objectives of the Archives and Records Management project of the

Tribunal are outlined in the report of the Secretary-General (A/62/468), and are summarized as follows:

(a) To ensure that all documentary evidence and research materials of the Office of the Prosecutor are preserved for judicial, historical and research purposes;

(b) To ensure that the administrative records of all sections of the Registry are digitized and preserved in accordance with their respective retention schedules;

(c) To ensure that all judicial records of the International Criminal Tribunal for Rwanda are preserved and that all public records are accessible for research and educational purposes;

(d) To develop access, classification and retention policies for the substantive records of the International Criminal Tribunal for Rwanda, and to ensure preservation of the material designated for long-term or permanent retention.

99. Due to the complex and substantial nature of the work required to meet these objectives, the first six months of the current biennium were devoted to the preparation of activities developed within the framework of the archives and records management project, including consultations with external experts and strategic planning. The subsequent 12 months of the current biennium were devoted to acquiring required resources, including the recruitment of staff and recruitment of supplies, materials and services. The substantive work of the project was initiated during the second half of the biennium.

100. The resources provided in the current biennium enabled the Tribunal to implement activities and subprojects that ensure that records and archives are organized, stored, maintained and described in such a way as to facilitate the smooth transfer of the records to a permanent archival repository at the end of the Tribunal's mandate. All activities conducted within the framework of the project were founded on a consistent, standards-based approach, across the Tribunals and the United Nations Secretariat, in order to achieve a responsible completion of mandate and to establish a preservation and access regime which meets the needs of both legacy and residual requirements.

101. The subprojects which have been developed within the framework of the International Criminal Tribunal for Rwanda archiving project have been designed to address the specific nature and requirements of the four types of records generated and maintained by the Tribunal (Office of the Prosecutor evidence, administrative, judicial and substantive), as well as to improve and coordinate the archives and records management policies and procedures across the Tribunal. In addition, the joint Tribunals archival coordination strategy has continued, and activities have been conducted within the framework of the project to contribute to this valuable initiative.

102. In order to ensure that, by the end of the operations of the International Criminal Tribunal for Rwanda, the archives and records are prepared for their handover to the custodian authority, in compliance with established United Nations guidelines and best-practice archival principles, the Tribunal will continue to implement the activities which have been initiated in the current biennium through the delivery of the following outputs during the biennium 2010-2011:

(a) The retention schedule approved by the Archives and Records Management Section will be applied to all administrative records, and those designated for permanent retention will be transferred to the Archives and Records Management Section upon completion of the mandate of the International Criminal Tribunal for Rwanda;

(b) All evidential records will be sorted, classified and prepared for transfer to the permanent archival facility;

(c) The retention schedule and classification guidelines approved by the Archives and Records Management Section will be applied to all substantive records, and those designated for permanent retention will be prepared for transfer to the permanent archival facility;

(d) All paper-based judicial records of the International Criminal Tribunal for Rwanda will be stored according to archival best practices, and will be prepared for transfer to the permanent archival facility;

(e) All audio-visual recordings of the proceedings of the ICTR will be migrated to preservation-quality file-based carriers;

(f) All open session audio-visual recordings will be redacted and both preservation and access copies of the edited audio-visual material will have been generated;

(g) An access policy for the unclassified records of the International Criminal Tribunal for Rwanda will be developed, including investigations into the feasibility of third-party depositions and enhanced Internet connectivity.

Table 11

Resource requirements — records management and archives

Category	Resources (thousands of United States dollars)		Posts	
	2008-2009	2010-2011 (before recosting)	2008-2009	2010-2011
Assessed budget				
Non-post	8 991.4	6 626.3	—	—
Total	8 991.4	6 626.3	—	—

103. During the biennium 2010-2011, resources amounting to \$6,626,300 are proposed for the redaction of all audio-visual materials and the archiving of the Office of the Prosecutor records. These requirements would provide for: (a) general temporary assistance related to temporary staff that would be required for the continuation of the audio-visual redaction project and the archiving of the Office of the Prosecutor records; (b) consultants who would be engaged to assist with the migration of data; (c) travel to complement teleconference communication between the representatives of both Tribunals and the Archives and Records Management Section for coordination of activities; (d) contractual services to cover costs associated with the digitization of audio-visual records of the Tribunal; and (e) the necessary supplies and equipment required in connection with this project.

104. Resources are required to upgrade the storage facilities, including environmental controls, shelving units, firefighting systems, to enhance the security of both the physical and electronic records, and to develop a truly off-site data backup system. In addition, storage systems are required for the materials that will be digitized within the framework of the archiving project. A compliant digital storage system is required to enhance the accessibility of the audio-visual digital files, to streamline the workflow management of the digitization projects, and ensure the long-term viability and security of the data. The system has been purchased with funds from the 2008-2009 archiving project budget and additional resources are required for the disk space to store the records that will be digitized throughout the biennium 2010-2011.

105. Resources are also required to engage the services of consultants to assist with content migration and electronic records accessibility, travel for coordination activities and consultations to ensure that all activities and technology are compliant with United Nations established practices, contractual services for the digitization of non-standard records and the transfer of archives, and the necessary supplies and material to continue the verification of the digital files against hard copy originals and archival re-housing activities initiated in the current biennium.

E. Liabilities for payment of pensions of retired judges

106. The permanent judges of the International Criminal Tribunal for Rwanda are eligible for retirement benefits, in accordance with the conditions of service and compensation governing the judges of the International Tribunal for the former Yugoslavia and the International Criminal Tribunal for Rwanda. At present, pension benefits payable to former judges are provided for in the biennial budget of the Tribunal. However, given its impending closure, the current practice would not be a viable option. Based on the results of the actuarial valuation for the pension scheme for judges at the Tribunal, the present value of the accrued pension liability of future benefits as at 31 December 2011 for the International Criminal Tribunal for Rwanda is estimated at \$18,421,000 related to seven former judges and nine current judges.

107. In response to the request for financing of this liability in the context of the proposed budgets for the International Tribunal for the former Yugoslavia and the International Criminal Tribunal for Rwanda for the biennium 2008-2009, the General Assembly, in its resolutions 62/229 and 62/230, requested the Secretary-General to include in future reports information on specific parameters of the management of the funds to be appropriated to meet future requirements for pension benefits of the judges of the Tribunals and eligible beneficiaries. The Assembly also decided to revert to the issue of funding the pension-related benefits of the Tribunals at its sixty-fourth session.

108. Based on consultations carried out with investment officials in the United Nations Joint Staff Pension Fund, it has been decided that it would be prudent to adopt the investment policy of the Fund, details of which are provided below:

(a) The envisaged investment policy would reflect the strategic purpose of funding liabilities and would take into account the safety, profitability, convertibility and liquidity of investments;

(b) Safety would be achieved by ensuring adequate asset class, geographical, currency, sector and industry diversification, by carefully researching and documenting investment recommendations, and constantly reviewing the portfolio in order to take advantage of the unsynchronized economic cycles, market and currency movements. Asset classes are all subject to market risk and safety is a relative term in this regard;

(c) Profitability would require that each investment at the time of purchase be expected to earn a positive total return, taking into account potential risk, in particular market risk, which is common to all securities of the same general class and commonly can be mitigated but not eliminated by diversification;

(d) Convertibility is the ability to readily convert investments into liquid currencies. Convertibility facilitates payments in local currencies. The fiduciary responsibility to the participants mandates that, owing to the United States dollar-based market valuation of funds and the United States dollar-based appraisal of its actuarial soundness, all investments be readily and fully convertible into United States dollars;

(e) Liquidity is the ready marketability of the assets in recognized sound, stable and competitive exchanges or markets. Liquidity is required to ensure that the portfolio can be restructured in the shortest possible time in order to enhance total return and/or to minimize potential losses. It is noted that there may be attractive investment opportunities that require long-term commitments and that investments in longer-term asset classes, such as real estate, would require the concurrence of the representative of the Secretary-General;

(f) Funds would be managed by the Investment Management Service of the United Nations Joint Staff Pension Fund and follow the established practice of the United Nations University Endowment Fund in that funds will be managed by the Investment Management Service but would not be pooled with the proper United Nations Joint Staff Pension Fund fund.

109. With regard to the liabilities pertaining to after-service health insurance, it is recalled that the General Assembly, in its resolutions 62/229 and 62/230, endorsed the recommendations of the Advisory Committee on Administrative and Budgetary Questions contained in its report on the proposed budgets for the International Tribunal for the former Yugoslavia and the International Criminal Tribunal for Rwanda for the biennium 2008-2009 (A/62/578), among others, that the proposed funding for after-service health insurance of the Tribunals be taken up in the context of the overall review of the question of after-service health insurance. In this regard, based on a roll-forward actuarial valuation, a provision of \$29.7 million, representing the present value of the accrued after-service health insurance liability of future benefits as at 31 December 2008 for the International Criminal Tribunal for Rwanda, has been included in the comprehensive report of the Secretary-General on liabilities and proposed funding for after-service health insurance benefits (A/64/366) which will be considered by the General Assembly at its current session.

Table 12
Resource requirements — liabilities: pension of judges

Categories	Resources (thousands of United States dollars)		Posts	
	2008-2009	2010-2011 (before recosting)	2008-2009	2010-2011
Assessed budget				
Non-post	—	18 421.0	—	—
Total	—	18 421.0	—	—

110. The level of resource requirements for the financing of the accrued liability related to the pensions of retired judges and surviving spouses would amount to \$18,421,000.

Table 13
Summary of follow-up action taken to implement relevant recommendations of the Advisory Committee on Administrative and Budgetary Questions and the Board of Auditors

Brief description of the recommendation	Action taken or to be taken to implement the recommendation
Board of Auditors (A/63/5/Add.11)	
The Board recommends that the International Criminal Tribunal for Rwanda reconsider the disclosure of the statement of cash flows to include its share in the cash pool (para. 31).	The current presentation of cash pools follows long-established practices that have been accepted by the successive Board of Auditors in all financial statements that have been certified.
The Board recommends that the Tribunal develop a financing plan in order to settle end-of-service liabilities relating to staff members at the time of the closure of its operations (para. 43).	A report on liabilities and proposed funding for after-service health insurance benefits (A/64/36) has been submitted for consideration by the General Assembly at its current session. Appropriate action will be taken on the basis of decisions made by the Assembly.
The Board recommends that the Tribunal define clearly the objectives of the Chambers and develop specific, measurable, attainable, realistic and time-bound output/performance indicators (para. 48).	The relevant information has been compiled and being analysed. The definition of objectives and the development of performance indicators is a work in progress and a report on both is under preparation. The purpose is to develop specific performance standards and optimize existing systems to provide analytical tools for the management of Chambers. The tools are to be introduced in 2009 and will help to assess courtroom space and implement standards for court proceedings.

*Brief description
of the recommendation*

*Action taken or to be taken to implement
the recommendation*

The Board recommends that the Tribunal ensure that all of its suppliers have complete records/information on file, as required by paragraphs 7.11.4 and 7.7.4 of the Procurement Manual, to guarantee that only qualified vendors are called upon to provide the required goods and services (para. 53).

The recommendation has been implemented for newly registered vendors. With regard to existing registered vendors, the review is ongoing whereby vendors are contacted in order to update or add required information. Vendors are suspended when responses are not received or the information provided is inadequate.

The Board reported that the Tribunal agreed with its recommendation that the Tribunal monitor compliance with the requirement for the preparation of performance evaluation reports in accordance with ST/AI/2002/3 (para. 67).

The recommendation has been implemented, and the process is ongoing, as performance evaluation reports are being prepared on regular basis, as required. The Tribunal developed an in-house monitoring and reporting mechanism to ensure that appraisal reports are completed in a timely manner.

The Board recommends that the Tribunal continue to formulate and implement more effective strategies to fill vacancies, such as regularly evaluating the performance of staff members initially recruited against general temporary assistance and placing them against authorized posts (para. 72).

The recommendation is implemented and the process is ongoing. Efforts are taken to improve vacancy rates and fill vacancies, including through the evaluation and consideration of general temporary assistance personnel who meet the requirements of advertised posts.

The Board recommends that the Tribunal, specifically the Registry and the Chambers, prepare performance reports on time (para. 84).

The Tribunal concurs with the Board's recommendation. The relevant information has been compiled and a report is under preparation.

The Board recommends that the Tribunal revisit its targets/objectives and its performance indicators, particularly for the office of the Prosecutor, to ensure that any risk/constraints that might hinder the accomplishment of objectives can be properly addressed (para. 87).

The Tribunal has taken into consideration the external factors that may hinder the achievement of the targeted accomplishments. It is reviewing the targets/objectives and its performance indicators to ensure that the targets for accomplishments are not too high, in view of the prevailing constraints.

The Board considers that the findings of the Office of Internal Oversight Services highlighted significant deficiencies in areas related to internal audit and underscores the need for the Tribunal to address them (para. 98).

Since the last update in June 2008, additional recommendations have been closed, and with regard to internal audit, only one is outstanding.

International Criminal Tribunal for Rwanda

Organizational structure and post distribution for the biennium 2010-2011

